

STARK COUNTY COMBINED GENERAL HEALTH DISTRICT



PUBLIC BATHING BEACH REGULATIONS

Resolution #1-2010, Effective May 1, 2010
(Replacing regulations originally adopted October 14, 1992)

Purpose

The Beaches Environmental Assessment and Coastal Health (BEACH) Act, signed into law in 2000, required the United States Environmental Protection Agency (EPA) to develop performance criteria for monitoring and assessing coastal recreation waters and to notify the public in a timely manner when water quality standards are exceeded. In keeping with the principles of the BEACH Act, the Stark County Board of Health (SCBH) has developed these new Bathing Beach Regulations in accordance with Section 3709.21 of the Ohio Revised Code, to replace its original regulations developed in 1992. These regulations require any person operating a public Bathing Beach to: obtain a permit to operate such beach, to monitor bathing waters through bacteriological water sampling, and to notify beach users of potential health risks associated with swimming in recreational waters. It is the intent of the SCBH, under these regulations, to assist beach operators in monitoring their bathing waters and to provide guidance in public notification requirements of water quality data. It is further the intent of the SCBH to assist beach operators in determining the suitability of proposed and existing Bathing Beaches, and to provide direction to operators pertaining to factors affecting such suitability.

Section 1: Definitions

1.1: “Bathing” shall mean to become partially or totally immersed in a body of water related to swimming, wading, or diving, but excluding fishing, scuba diving, and surfboarding.

1.2: “Beach Closure” shall mean the closure of a Bathing Beach due to a condition that poses a reasonable risk of endangering the public’s health and/or safety.

1.3: “Board of Health” shall mean the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized under Section 3709.05 of the Revised Code.

1.4: “*Escherichia coli* (*E. coli*)” shall mean a specific bacterial species included in the fecal coliform bacteria group, the presence of which in surface waters has been correlated with gastrointestinal illness in swimmers, as specified in Rule 3745-1-02 of the Ohio Administrative Code.

1.5: “Fecal Coliform” shall mean the portion of the coliform group of bacteria which is present in the intestinal tract of warm-blooded animals, and is evidence of the presence of human or animal wastes, as specified in Rule 3745-1-02 of the Ohio Administrative Code.

1.6: “Geometric Mean” shall mean the Nth root of the product of N quantities.

1.7: “Health District” shall mean any city or general health district created pursuant to Section 3709.01 of the Revised Code.

1.8: “Lifeguard” shall mean an expert swimmer trained and employed to safeguard swimmers.

1.9: “Material Safety Data Sheet” shall mean information provided by the manufacturer of a material about its chemical and physical properties and the hazards associated with its use.

1.10: “Operator” shall mean any person, firm, company, corporation, or association that owns, controls, operates, conducts, or manages a Bathing Beach.

1.11: “Permit”, for the intent of these rules, shall mean a certificate issued by the board of health giving permission to operate a Bathing Beach.

1.12: “Person” shall mean that state, any political subdivision, special district, public or private corporation, individual, firm, partnership, association, or any other entity.

1.13: “Public Bathing Beach” shall mean an impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water which is intended to be used by the general public for bathing, whether or not a fee is charged. Public Bathing Beach shall not include Bathing Beaches which are not offered for use by the general public, but rather is for the exclusive use of a private property owner their family and non-paying guests.

1.14: “Recreation Season” shall mean the time frame from May first to October fifteenth, in accordance with Section 3745-1-07 (4) of the Ohio Administrative Code.

1.15: “Sampling Period” for purposes of water quality monitoring, shall mean the approximate time frame between Memorial Day and Labor Day, or as deemed necessary by the SCBH.

1.16: “Sanitary Survey” shall mean an environmental evaluation of a beach that will identify potential health hazards associated with the beach.

1.17: “Seasonal/Intermittent Employee” shall mean an employee who works less than 1,000 hours per year and less than six (6) consecutive months.

1.18: “Surface Waters (of the state)” shall mean all streams, lakes, reservoirs, ponds, marshes, wetlands, or other waterways which are situated wholly or partially within the boundaries of the state, except those private waters which do not combine or effect a junction with natural surface or underground waters, as specified in Rule 3745-1-02 of the Ohio Administrative Code.

1.19: “Substantially Alter” shall mean construction that changes the depth, shape, or other basic design features of a Public Bathing Beach, or addition or modification of a diving board or other special feature. “Substantially alter” shall also include a change or modification of the source of water intended to fill or supplement the water within the Public Bathing Beach.

1.20: “Water Quality Advisory” shall mean a notification to the public of an exceedance of applicable water quality standards based upon water quality monitoring tests.

1.21: “Watershed” shall mean an area of land that drains to a stream, river, lake, or other body of water.

Section 2: Permits

2.1: Every person operating a public or community Bathing Beach shall obtain an annual Permit to Operate from the SCBH to operate the Bathing Beach. Such permit shall serve as written authorization to operate the beach, as required under these rules.

2.2: The permit shall be valid from June 1st, through May 31st of the following year.

2.3: Existing Bathing Beach permits shall be renewed annually by May 31st.

2.4: The Permit to Operate should be posted in a conspicuous location at the Bathing Beach facility.

Section 3: Fees

3.1: The SCBH may establish fees for permitting, inspecting, and water quality monitoring of Bathing Beaches in accordance with Section 3709.09 of the Revised Code. Fees for water quality monitoring will be combined with the permit fee.

3.2: If more frequent water quality monitoring is required due to elevated bacterial counts or an investigation, the SCBH may charge the operator a “per sample” fee for the samples collected beyond those for routine monitoring. The “per sample” fee shall be the same fee charged by the current laboratory performing the sample analysis for the SCBH. This fee shall change if the laboratory fee changes.

Section 4: Cost Methodology

4.1: The actual cost to the SCBH of maintaining the Bathing Beach program shall be calculated through utilization of the following data from the previous fiscal year:

- A. The list of all inspecting sanitarians working in the Bathing Beach program, including seasonal/intermittent employee.
- B. The percentage of time worked in the Bathing Beach program by each inspecting sanitarian and seasonal/intermittent employee calculated by dividing the amount determined under paragraph (4.1)(B)(b) of this rule by the amount determined under paragraph (4.1)(B)(a) of this rule.
 - a. Total hours work in the Bathing Beach program by each inspecting sanitarian and seasonal/intermittent employee.
 - b. The total hours for which each inspecting sanitarian and seasonal/intermittent employee was paid in the last year.
- C. The total annual wages or salary paid to each inspecting sanitarian and seasonal/intermittent employee.
- D. The total amount for fringe benefits paid on behalf of each inspecting sanitarian and seasonal/intermittent employee.

- E. The total travel costs for each inspecting sanitarian and seasonal/intermittent employee.
- F. The support costs for the program as determined by one of the following methods:
 - a. Use of actual support costs items which may include but are not limited to the salary and fringe benefits of the health commissioner, the director of the environmental health, supervisory staff, clerical staff, utilities, rent, supplies, equipment, liability insurance, and training. Actual support costs of the Bathing Beach program are calculated by multiplying the amount determined under paragraph (4.1)(F)(a)(i) of this rule by the amount determined under paragraph (4.1)(F)(a)(ii) of this rule.
 - i. The portion of total departmental support costs allocated to the environmental health division.
 - ii. The percentage of total time worked in the Bathing Beach program by all inspecting sanitarians and seasonal/intermittent employee.
 - b. Use of indirect cost rate of twenty-five percent of the wages or salaries and fringe benefits of inspecting sanitarians and seasonal/intermittent employee attributable to the Bathing Beach program. The wages or salaries and fringe benefits of inspecting sanitarians and seasonal/intermittent employee attributable to the Bathing Beach program shall be determined by multiplying the amounts determined for each sanitarian and seasonal/intermittent employee under paragraphs (4.1)(C) and (4.1)(D) of this rule by the percentage for that sanitarian or seasonal/intermittent employee determined under paragraph (4.1)(B) of this rule and adding the products;
 - c. Application of a negotiated indirect cost rate and calculation method approved by an agency of the federal government for the SCBH to the Bathing Beach program; and
- G. The laboratory costs for the Bathing Beach program.

4.2: The costs for the Bathing Beach program may also include but are not limited to the amounts of any known or anticipated increases in costs or expenses for such items as rent, utilities, equipment, and current personnel, as well as the costs for additional personnel identified by the SCBH after the performance of a personnel needs analysis by the director of health.

4.3: The total Bathing Beach program costs shall be calculated in the following manner:

- A. For each inspecting sanitarian and seasonal/intermittent employee, multiply the amount of total annual wages or salary determined under paragraph (4.1)(C) of this rule by the percentage determined pursuant to paragraph (4.1)(B) of this rule. Sum the products;
- B. For each inspecting sanitarian and seasonal/intermittent employee, multiply the fringe benefits determined under paragraph (4.1)(D) of this rule by the percentage determined pursuant to paragraph (4.1)(B) of this rule. Sum the products;
- C. For each inspecting sanitarian and seasonal/intermittent employee, multiply the travel costs determined under paragraph (4.1)(E) of this rule by the percentage determined pursuant to paragraph (4.1)(B) of this rule. Sum the products. As an alternative, the actual travel cost for each inspecting sanitarian and seasonal/intermittent employee attributable to the Bathing Beach program may be used. Sum the actual costs;

- D. Add the amounts determined under paragraphs (4.1)(F), (4.1)(G), and (4.2) of this rule to the totals calculated in paragraphs (4.3)(A), (4.3)(B), and (4.3)(C) of this rule. This total is the cost for the Bathing Beach program.

Section 5: Plan Approval

5.1: No person shall construct a new Bathing Beach, or substantially modify an existing Bathing Beach, until plans and specifications have been submitted to, and approved by, the SCBH.

5.2: Plans shall include the following:

- A. A topographical map of the proposed, or existing, Bathing Beach.
- B. A detailed description of the watershed and any possible sources of pollution.
- C. The locations of roads, sanitary sewers, storm sewers, household and commercial sewage disposal systems, drinking water supplies, bath houses, toilet facilities, and any other pertinent information to the area.
- D. The location of lifeguard chairs, telephone, swim and diving platforms, and any special features (slides, etc.).
- E. Any man-made or natural potential hazards in the area of the Bathing Beach.
- F. The results of any previous, but recent, water quality monitoring tests (may be on file with the SCBH or sewer agency).
- G. Any other pertinent information which may impact the health and safety of bathers.

5.3: Within 30 days of receiving plans, the SCBH shall conduct a sanitary survey of the proposed or existing Bathing Beach. A written report shall be provided to the operator as to the suitability of the Bathing Beach. Requirements or recommendations shall be provided regarding factors which may potentially impact bather health and safety.

5.4: A fee shall be charged for plan approval.

Section 6: Sanitary Survey

6.1: The SCBH shall conduct a sanitary survey:

- A. As part of the plan review process for proposed Bathing Beaches and for substantial modifications to existing Bathing Beaches.
- B. As part of a Bathing Beach inspection for existing Bathing Beaches when water quality monitoring indicates elevated bacterial counts or as part of an investigation.

6.2: The sanitary survey shall include any of the following items that have the potential to impact the health and safety of bathers:

- A. Potential sources of pollution:
 - a. Storm sewer drains and/or combined sewer drains (storm sewer and sanitary sewer)
 - b. Unsewered residential areas utilizing household sewage treatment systems
 - c. Wastewater treatment plants
 - d. Industrial outlets

- e. Animal enclosures/runoff
- f. Agriculture runoff
- g. Potential erosion areas
- B. Man-made or natural hazards in the area
- C. Influences of wind, rain, and water currents
- D. Number and location of toilet facilities
- E. Location of drinking water sources
- F. Description of structures such as lifeguard chairs, swim platforms, diving towers, breakwalls, etc.

6.3: Information gathered during a sanitary survey shall be provided to the beach operator by the SCBH.

Section 7: Water Quality and Public Notification

7.1: Bathing Beach operators shall permit the SCBH to conduct beach water sampling to determine the bacteriological quality of the water during the course of the sampling period as defined in paragraph 1.15.

7.2: A Bathing Beach operator may request additional water quality monitoring to be conducted. Additional sampling may be conducted at the expense of the Bathing Beach operator, in accordance with paragraph 3.2.

7.3: For new public or community Bathing Beaches, if there is no previous history of water quality data, water sampling shall be conducted on a weekly basis during the recreation season under permit by the SCBH during the first year of operation.

7.4: Water samples shall be collected by the SCBH.

7.5: Water samples should be analyzed by an Ohio EPA approved laboratory to determine the bacterial concentration of the most current indicator organism, as determined by the Ohio Department of Health and the Ohio EPA. Water samples shall be analyzed utilizing procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

7.6: The evaluation of water sample results shall be based upon the “Bathing Waters” standards for recreational use as specified in Rule 3745-1-07 of the Ohio Administrative Code and by the *Ohio Department of Health Beach Monitoring Program Guidelines*.

7.7: As of the effective date of these rules, the indicator organism under current water quality standards is *E. coli*.

7.8: The single sample maximum for *E. coli* bacteria content shall be 235 *E. coli* colonies per 100mL of water tested.

7.9: The water quality standard for *E. coli* requires that:

- A. The geometric mean based on not less than 5 samples collected within a 30-day period shall not exceed 126 *E. coli* colonies per 100 ml; and
- B. The *E. coli* bacterial concentration shall not exceed 235 *E. coli* colonies per 100 ml in more than 10% of the samples collected during any 30-day period.

7.10: In the event that water quality standards are changed or revised, and/or new indicator organisms are required to be analyzed for, the new standards will automatically be adopted by the SCBH.

7.11: The water at Bathing Beaches shall be free from oils, greases, or other substances which may cause a public health nuisance.

7.12: The turbidity and color of the water at Bathing Beaches shall be monitored using a black disc at least six (6) inches in diameter on a white field placed at a depth of at least four (4) feet of water. The disc shall be readily visible from the surface of the water whenever the bathing beach is open for use.

7.13: If algae or aquatic plants are determined to become hazardous to bathers by the SCBH, the SCBH may require control measures to be utilized. Control measures may consist of chemical application, which should be performed by an applicator licensed by the Ohio Department of Agriculture. All chemical applications shall be conducted according to the manufacturer's specifications. The SCBH recommends that Material Safety Data Sheets are maintained by the beach operator for any chemical that may be used.

7.14: Measures should be taken to discourage the presence of waterfowl at the beach, including, but not limited to, geese. The Ohio Department of Natural Resources, Division of Wildlife, should be consulted for waterfowl problems.

7.15: The SCBH shall notify beach operators of all water sample analysis results. This notification shall occur via telephone, electronic mail, or any other means deemed appropriate by the SCBH.

7.16: Bathing Beach operators shall provide the public with water quality information.

7.17: When a sanitary survey finds that a Bathing Beach is significantly influenced by surface runoff, the Bathing Beach operator shall post a prominent Water Quality Information sign at the beach at all times throughout the recreational season that serves to provide the public with water quality information. This sign shall contain wording similar to the following:

“WATER QUALITY INFORMATION

Bacterial levels may be elevated for 24 – 48 hours after heavy rain events due to surface runoff. Full body water contact is not recommended under those conditions.”

This sign shall be in a conspicuous location and sized to be easily seen. This sign shall be weather-proof, or displayed in a weather-proof manner, such as within encased message boards, outdoor literature boxes, etc.

7.18: Bathing Beaches shall have this sign posted at all entrances to the beach area. If there is not a definitive entrance to a Bathing Beach this sign shall be posted at several locations within the beach area so the sign can be easily seen.

7.19: If the results of water sample analysis, as determined by the SCBH, indicate that the current water quality standard has been exceeded, the SCBH will issue a Water Quality Advisory to the beach operator, or a responsible contact person for the beach.

7.20: During a Water Quality Advisory, beach operators shall post a prominent Water Quality Advisory sign that serves to inform the public that the current water quality standard has been exceeded. This sign shall contain wording similar to the following:

“WATER QUALITY ADVISORY

Bacterial levels currently exceed State standards. Children, the elderly, and those in ill health are advised not to swim. Full body water contact may cause illness.”

This sign shall be in a conspicuous location and sized to be easily seen. This sign shall be weather-proof, or displayed in a weather-proof manner, such as within encased message boards, outdoor literature boxes, etc.

7.21: Bathing Beaches shall have this sign posted at all entrances to the beach area during a Water Quality Advisory. If there is not a definitive entrance to a Bathing Beach, this sign shall be posted at several locations within the beach area so the sign can be easily seen.

7.22: A Water Quality Advisory shall remain in effect until results of subsequent water sampling indicate that the current water quality standard is being met. The SCBH shall notify the beach operator, or a responsible contact person for the beach, via telephone or electronic email, at such time when a Water Quality Advisory can be removed.

7.23: In the event the current water quality standard is exceeded, the SCBH may re-sample a Bathing Beach as soon as possible. This resampling may not be conducted if the water quality exceedance can be reasonably determined by the SCBH to be a weather-related exceedance, such as in the case of heavy rainfall events or high waves. Re-sampling, if necessary, may be conducted at the expense of the operator.

7.24: A Beach Closure may be issued, or recommended, due to exceedance of the single sample maximum for *E. coli* in paragraph 7.8 or *E. coli* standard in paragraph 7.9; excessive turbidity as outlined in paragraph 7.12; an imminent public health hazard, such as a sewage overflow,

pollution spill; or similar pollution problem occurring at or proximate to a Bathing Beach. A Beach Closure may be determined by the SCBH, the Ohio Department of Health, the Ohio Department of Natural Resources, or any other pertinent authority, including a beach operator, in order to protect the health and safety of the public. A beach closure may be temporary, for an extended period of time, or permanent.

7.25: When a bathing beach is closed in accordance with paragraph 7.24 above, the operator shall conspicuously post signs stating, **“WARNING – BATHING BEACH CLOSED”** at all entrances, and shall prohibit entry into the bathing beach area.

Section 8: Safety and Operation

8.1: It is highly recommended that Bathing Beaches provide lifeguards. In the absence of lifeguards, Bathing Beaches shall comply with the following:

- A. No swimming shall be permitted greater than sixty (60) feet from shore. No swimming shall be permitted in water deeper than sixty (60) inches in depth. The perimeter of the area defined by this rule shall be clearly identified with marker lines with floats, buoys or equivalent.
- B. A sign shall be conspicuously placed in a similar fashion as a Water Quality Advisory sign, mentioned above. The sign shall state the following, at a minimum:

“NO LIFEGUARD ON DUTY

Children must be supervised by an adult.

Swim in buoyed areas only.

In case of emergency – call 9-1-1.”

- C. A minimum of one monitor, employed by the Bathing Beach operator, shall be provided at all times while the Bathing Beach is open for use. The monitor shall have a clear and unobstructed view of the bathing area, and shall not be engaged in other activities that distract from proper attention to the bathing area. The monitor shall enforce beach rules and the above swimming area restrictions, as well as watch for troubled swimmers.
- D. The Bathing Beach operator may require bathers to wear Coast Guard Approved Type 1, 2, or 3 personal flotation devices that are properly secured, of proper size, and are undamaged.
- E. A separate wading area up to two (2) feet deep, designated by marker lines and buoys is recommended.

8.2: When lifeguards are provided, the following criteria shall be followed:

- A. Lifeguards shall be certified validly and currently by one of the following entities as having completed the specified training successfully:
 - a. “American Red Cross” – “Lifeguard Training”;
 - b. “YMCA” – “YMCA lifeguard”;
 - c. “Boy Scouts of America” - “BSA, Lifeguard” (within the previous three years) or “Aquatic Instructor, BSA” (within the previous three years);
 - d. “Ellis and Associates” – “National Pool and Waterpark Lifeguard Training”, or

- e. Any other person, agency, or organization determined by the SCBH to be comparable to the training specified in the above courses.
- B. Lifeguards shall possess current valid certification in infant, child, and adult cardiopulmonary resuscitation (CPR) including pocket mask, bag valve and 2-person CPR - from one of the following entities:
 - a. "American Red Cross" – CPR for the Professional Rescuer", or successor courses offered by the "American Red Cross";
 - b. "American Heart Association" – Health Care Provider (infant, child, and adult);
 - c. National Safety Council Course; or
 - d. Any other person, agency, or organization determined by the SCBH to be comparable to the training specified in the above courses.
- C. Lifeguards shall possess current valid certification from one of the following entities as having completed one of the specified courses successfully:
 - a. "American Red Cross" – "Community First Aid", or successor course offered by the "American Red Cross";
 - b. Ohio Department of Public Safety, Division of Emergency Medical Services– "Emergency Medical Technician – Basic"; or
 - c. Any other person, agency, or organization determined by the SCBH to be comparable to the training specified in the above courses.
- D. Lifeguards should be certified in open waters or waterfront lifesaving, if applicable.
- E. Lifeguards shall be capable swimmers and able to perform all lifeguarding tasks authorized by their certification.
- F. Lifeguards shall be ready to enter the water at all times while on duty. Lifeguards shall be dressed in swimming attire and shall be readily identifiable by bathers and other lifeguards.
- G. Lifeguards shall be equipped with a rescue tube and a CPR pocket mask. Lifeguards should have available a spine board with a head immobilizer where the potential may exist for diving injuries.
- H. Lifeguards shall be located as close as practical to the public Bathing Beach shoreline and shall at no time be more than fifty (50) feet from the shoreline. Lifeguards shall be isolated from beach crowds by occupying elevated seats or stands at a height sufficient to give them complete and unobstructed view of that portion of the Bathing Beach for which they are responsible. Where swimming or diving is permitted more than one hundred fifty (150) feet from the shoreline, lifesaving patrol boats or offshore lifesaving stations shall be provided and ready of use while the Bathing Beach is open for use.
- I. Bathing Beaches should evaluate the total number of bathers and total area for which each lifeguard will be responsible and staff the necessary lifeguards accordingly.
- J. The SCBH may require verification, or proof, of lifeguard certification from a Bathing Beach operator.
- K. Bathing Beach operators should maintain records of lifeguard certifications.

8.3: All Bathing Beaches shall provide the minimum following safety equipment that shall be readily available during all hours the Bathing Beach is open for use:

- A. A United States coast guard approved Type IV personal flotation device (ring buoy, throw bag, or equivalent device) with one-quarter inch diameter line sixty (60) feet in length.
- B. At least one back or spine board.
- C. A first aid kit, including at least unused disposable gloves and a sufficient supply of materials to stop bleeding and to clean or cover minor cuts and abrasions.
- D. A telephone, under the control of the operator and in a conspicuous location, with posted emergency numbers; a minimum of “9-1-1” must be posted.

8.4: Bathing Beaches shall be inspected daily, prior to opening, during the recreational season by the operator, a lifeguard, or any other pertinent beach authority to assure that there are no hazardous materials such as broken glass, “sharps”, or other waste on the beach area. These materials, if found, shall be cleaned up and properly discarded.

8.5: Diving areas, drop offs, underwater obstructions, or any other water safety hazards should be identified utilizing marker lines with floats, buoys, or equivalent.

8.6: Swimming areas should be defined by marker lines with floats, buoys, or equivalent, where feasible. Shallow swimming areas should be distinguished from deep swimming areas.

8.7: The bottom materials of the Bathing Beach up to a water depth of five (5) feet should consist of sand, pea gravel, or other material acceptable to the SCBH. The bottom material should be consistent with the efforts to meet the turbidity standards of paragraph 7.12.

8.8: Diving boards/platforms, if provided, should conform to the Recreational Diving Area Design Features in Rule 3701-31-04 (G) and/or (H) of the Ohio Administrative Code. Diving boards/platforms shall have non-slip steps and be provided with hand-railing as recommended by the manufacturer, where applicable. Existing diving boards/platforms, if determined by the SCBH to pose a safety hazard, shall be repaired, replaced, or removed from the Bathing Beach as deemed appropriate by the SCBH.

8.9: Slides, if provided, should conform to the manufacturer’s specifications for installation and usage. Existing slides, if determined by the SCBH to pose a safety hazard, shall be repaired, replaced, or removed from the Bathing Beach as deemed appropriate by the SCBH.

8.10: The operator should establish and post in a conspicuous locations rules such as personal conduct and hours of operation.

8.11: The bathing beach operator shall keep records including, but not limited to the following: name of beach, date, name of responsible person or persons on duty, general weather conditions, number of swimmers or bathers, water analysis reports, number of lifeguards on duty (or name of monitor on duty), rescues performed, injuries treated, water treatment, and unusual occurrences. The operator shall maintain the records on file for at least three (3) years. The records shall be made available to the SCBH upon request.

8.12: Bathing should not be permitted during storms with lightning or during periods of high winds.

8.13: No night (after dusk) bathing should be permitted.

Section 9: Sanitation

9.1: Bathing Beaches shall provide toilet and handwashing facilities.

9.2: Toilet and handwashing facilities shall be provided with potable running water, soap, and paper towels or a hand-drying device.

9.3: If a bathhouse is provided, it shall be maintained in a sanitary condition. If lockers are provided, they should be placed on a solid flooring material at least 4 inches high, such as concrete, or on legs with the bottom of the locker at least 10 inches above the floor. Lockers shall be vented to aid in the elimination of moisture and odors.

9.4: If showers are provided, they shall be provided with potable water at a temperature not to exceed 110 degrees Fahrenheit, as per Section 607 of the Ohio Plumbing Code. If shower curtains are provided, they shall be kept in a sanitary condition, free from mold and mildew.

9.5: Toilet and handwashing facilities, bathhouse facilities, and shower facilities shall be provided with adequate lighting and ventilation.

9.6: Toilet and handwashing facilities, bathhouse facilities, and shower facilities shall have floors made of a smooth, non-slip, and cleanable material. The floors should be well drained to prevent the accumulation of water. Carpet shall be prohibited as a flooring material. Walls shall be smooth, impervious, and free from cracks and open joints.

9.7: Covered waste receptacles shall be provided within, or in the immediate vicinity of, toilet and handwashing facilities. Covered waste receptacles should also be provided in areas of the beach where garbage may be generated, such as picnic areas. In lieu of covered waste receptacles, waste receptacles may be located as described above and emptied daily.

9.8: Wastewater from a restroom, bathhouse, or related facilities shall be discharged to a municipal sewage system when available. If a public sewage system is not available, the wastewater shall be discharged to a sewage treatment system acceptable to the SCBH and the Ohio Environmental Protection Agency.

Section 10: Inspection

10.1: The SCBH may, at any reasonable time during the recreation season, inspect or take any other steps deemed to be necessary to insure proper compliance with this regulation. The SCBH may utilize inspection reports or any other data collected, submitted, or obtained from reliable sources to determine compliance with this regulation.

10.2: A minimum of one inspection shall be conducted annually during the recreation season.

Section 11: Variance

11.1: The Board of Health may grant a hearing to a public bathing beach operator or person responsible for a public bathing beach and authorize, for specific cases, such variances from the requirements of this regulation that will not defeat the spirit and general intent of the regulation.

Section 12: Penalties

12.1: Any person who fails to comply with any requirement of this regulation or any order issued pursuant thereto, shall be subject to the penalties set forth in the Ohio Revised Code and any other administrative and/or legal action that may be deemed appropriate by the Stark County Combined General Health District. Specifically, any person who violates, or causes to be violated, any of the stipulations and/or requirements set forth in this regulation shall be in violation of Section 3707.48 of the Ohio Revised Code and shall be subject to the penalties provided for in Section 3707.99 of the Ohio Revised Code. Each and every violation of this regulation shall constitute a separate offense.

Section 13: Unconstitutionality Clause

13.1: If any section, subsection, sentence, clause, or phrase of these regulations for any reason is held to be unconstitutional, void, or invalid, the validity of the remaining portion of these regulations shall not be affected thereby.